

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the instant application:

Listing of Claims:

1. (Currently Amended) A nail checker assembly for use with a nail loading assembly of a nail gun, comprising:
 - a pivoting probe assembly including a first probe and a second probe for engaging a nail advancing within the nail loading assembly;
 - a pivoting probe base assembly coupled with the pivoting probe assembly, the pivoting probe base assembly for enabling rotation of the pivoting probe assembly;
 - a base assembly coupled with the pivoting probe base assembly and the nail loading assembly, the base assembly for enabling rotation of the pivoting probe base assembly; and
 - a lock ledge assembly coupled with the base assembly, the lock ledge assembly being suitable for providing a stop by engaging with the pivoting probe assembly when the nail ~~incorrectly~~ engages with only one of the probes of the pivoting probe assembly,wherein the pivoting probe assembly allows the nail to advance when the nail engages with both the first and second probes of the pivoting probe assembly ~~in the correct position;~~
- wherein the pivoting probe assembly hinders the nail from advancing when the nail engages with only one of the probes of the pivoting probe assembly ~~in an incorrect position;~~ by causing the pivoting probe assembly to engage locking in position against the lock ledge assembly, thereby preventing further advancement of the nail within the nail gun.
2. (Original) The nail checker assembly of claim 1, wherein the nail checker assembly further comprises an angle of engagement assembly for placing the nail checker assembly in a desired position.

3. (Cancelled)
4. (Currently Amended) The nail checker assembly of claim [[3]] 1, wherein the pivoting probe assembly further comprises a first tensioning assembly coupled with the pivoting probe base assembly and operationally coupled with the first probe and a second tensioning assembly coupled with the pivoting probe base assembly and operationally coupled with the second probe.
5. (Original) The nail checker assembly of claim 1, wherein the nail checker assembly is disposed within an adjustable angle magazine.
6. (Cancelled)
7. (Cancelled)
8. (Original) The nail checker assembly of claim 5, wherein the adjustable angle magazine further comprises an articulating pusher assembly.
9. (Original) The nail checker assembly of claim 5, wherein the adjustable angle magazine is a top-load magazine or a side-load magazine.
10. (Original) The nail checker assembly of claim 1, wherein the nail gun is selected from the group consisting of a spring-loaded nail gun, a pneumatic nail gun, an electro-magnetic nail gun, a combustion nail gun, and a motor driven nail gun.
11. (Cancelled)

12. (Withdrawn) An adjustable angle magazine for use with a nail gun, comprising:
 - a housing having a first end and a second end, the housing for storing and providing a nail from a collated nail strip to a nail driving assembly of the nail gun;
 - an adjustment assembly disposed proximal to the second end of the housing, the adjustment assembly for affixing the position of the housing relative to the nail gun;
 - a universal adapter assembly coupled with the first end of the housing, the universal adapter assembly for pivotally coupling with the nail driving assembly; and
 - a nail checker assembly including a pivoting probe assembly disposed upon the housing, the nail checker assembly for determining the positioning of the nails in the collated nail strip,wherein the nail checker assembly allows the nail to advance when the nail engages with the pivoting probe assembly in the correct position.
13. (Withdrawn) The adjustable angle magazine of claim 12, wherein the nail checker assembly further comprises an angle of engagement assembly for placing the nail checker assembly in a desired position.
14. (Withdrawn) The adjustable angle magazine of claim 12, wherein the pivoting probe assembly comprises a first probe and a second probe coupled with the pivoting probe base assembly.
15. (Withdrawn) The adjustable angle magazine of claim 12, wherein the pivoting probe assembly further comprises a first tensioning assembly coupled with the pivoting probe base assembly and operationally coupled with the first probe and a second tensioning assembly coupled with the pivoting probe base assembly and operationally coupled with the second probe.

16. (Withdrawn) The adjustable angle magazine of claim 12, wherein the nail gun is selected from the group consisting of a spring-loaded nail gun, a pneumatic nail gun, an electro-magnetic nail gun, a combustion nail gun, and a motor driven nail gun.
17. (Withdrawn) The adjustable angle magazine of claim 12, wherein the nail gun further comprises a clutch assembly.
18. (Withdrawn) The adjustable angle magazine of claim 12, further comprising a pick-off pivot assembly.
19. (Withdrawn) The adjustable angle magazine of claim 12, further comprising an articulating pusher assembly.
20. (Withdrawn) The adjustable angle magazine of claim 12, wherein the adjustable angle magazine is a top-load magazine or a side-load magazine.

21. (Withdrawn) An adjustable angle nail gun, comprising:

a handle including a first end and a second end, the second end coupled with a fastening assembly;

a nail driving assembly coupled with the first end of the handle, the nail driving assembly including a driver blade, the nail driving assembly for driving a nail in a collated nail strip;

an adjustable angle nose casting assembly coupled with the nail driving assembly, the adjustable angle nose casting assembly for receiving the nail and enabling the operation engagement of the driver blade with the nail;

an adjustable angle magazine including a first end coupled with a universal adapter assembly for pivotally coupling with the adjustable angle nose casting assembly and an adjustment assembly disposed proximal to a second end of the adjustable angle magazine, the adjustment assembly for coupling with the fastening assembly, the adjustable angle magazine for storing and providing the nail to the adjustable angle nose casting assembly; and

a nail checker assembly including a pivoting probe assembly, the nail checker assembly disposed upon the adjustable angle magazine, the nail checker assembly for determining the positioning of the nails in the collated nail strip,

wherein the nail checker assembly allows the nails to advance when the nail engages with the pivoting probe assembly in the correct position.

22. (Withdrawn) The adjustable angle nail gun of claim 21, wherein the nail checker assembly further comprises an angle of engagement assembly for placing the pivoting probe assembly in a desired position.

23. (Withdrawn) The adjustable angle nail gun of claim 21, wherein the pivoting probe assembly comprises a first probe and a second probe coupled with a pivoting probe base assembly.

24. (Withdrawn) The adjustable angle nail gun of claim 21, wherein the pivoting probe assembly further comprises a first tensioning assembly coupled with the pivoting probe base assembly and operationally coupled with the first probe and a second tensioning assembly coupled with the pivoting probe base assembly and operationally coupled with the second probe.
25. (Withdrawn) The adjustable angle nail gun of claim 21, wherein the nail gun is selected from the group consisting of a spring-loaded nail gun, a pneumatic nail gun, an electro-magnetic nail gun, a combustion nail gun, and a motor driven nail gun.
26. (Withdrawn) The adjustable angle nail gun of claim 21, wherein the nail gun further comprises a clutch assembly.
27. (Withdrawn) The adjustable angle nail gun of claim 21, wherein the adjustable angle magazine further comprises a pick-off pivot assembly.
28. (Withdrawn) The adjustable angle nail gun of claim 21, wherein the adjustable angle magazine further comprises an articulating pusher assembly.
29. (Withdrawn) The adjustable angle nail gun of claim 21, wherein the adjustable angle magazine is a top-load magazine or a side-load magazine.

30. (Currently Amended) A nail checker assembly for use with a nail loading assembly of a nail gun, comprising:
means for engaging a nail advancing within the nail loading assembly; and
means for hindering the nail from advancing if the ~~positioning of the~~ advancing nail is ~~incorrect~~ misaligned.
31. (Original) The nail checker assembly of claim 30, wherein the means for engaging a nail is a pivoting probe assembly coupled with a pivoting probe base assembly coupled with a base assembly, wherein the pivoting probe assembly operationally engages with the advancing nail within the nail loading assembly.
32. (Currently Amended) The nail checker assembly of claim 30, wherein the means for hindering the nail from advancing is a lock ledge coupled with the base assembly, the lock ledge being ~~which is~~ contacted by the pivoting probe assembly when the ~~positioning of the~~ advancing nail is ~~incorrect~~ misaligned.
33. (Cancelled)
34. (Cancelled)
35. (Original) The nail checker assembly of claim 30, wherein the nail loading assembly further comprises an articulating pusher assembly.
36. (Original) The nail checker assembly of claim 30, wherein the nail loading assembly is a top-load or side-load magazine.
37. (Original) The nail checker assembly of claim 30, wherein the nail gun is selected from the group consisting of a spring-loaded nail gun, a pneumatic nail gun, an electro-magnetic nail gun, a combustion nail gun, and a motor driven nail gun.

38. (Cancelled)
39. (Withdrawn) A method of using a nail gun, comprising:
loading a collated nail strip into a nail loading assembly coupled with a nail driving assembly of the nail gun;
engaging the collated nail strip with a nail checker assembly disposed upon the nail loading assembly; and
determining if the collated nail strip provides nails in the correct position for use by the nail gun,
wherein the nail checker assembly allows the collated nail strip to advance when the nails are determined to be correctly positioned for use by the nail gun.
40. (Withdrawn) The method of claim 39, wherein the nail loading assembly is an adjustable angle magazine.
41. (Withdrawn) The method of claim 40, wherein the adjustable angle magazine further comprises a pick-off pivot assembly.
42. (Withdrawn) The method of claim 40, wherein the adjustable angle magazine further comprises an articulating pusher assembly.
43. (Withdrawn) The method of claim 40, wherein the adjustable angle magazine further comprises a nail shank pawl assembly.
44. (Withdrawn) The method of claim 39, wherein the nail gun is selected from the group consisting of a spring-loaded nail gun, a pneumatic nail gun, an electro-magnetic nail gun, a combustion nail gun, and a motor driven nail gun.
45. (Withdrawn) The method of claim 39, wherein the nail gun further comprises a clutch assembly.